

F.9041  
PATENT COOPERATION TREATY

## PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY  
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference	FOR FURTHER ACTION		See Form PCT/IPEA/416
International application No. <b>PCT/KR2004/002680</b>	International filing date (day/month/year) <b>19 OCTOBER 2004 (19.10.2004)</b>	Priority date (day/month/year) 23 OCTOBER 2003 (23.10.2003)	
International Patent Classification (IPC) or national classification and IPC <b>A61K 35/60(2006.01)i</b>			
Applicant <b>LIM, Gap-Man</b>			
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>3</u> sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input checked="" type="checkbox"/> (sent to the applicant and to the International Bureau) a total of <u>12</u> sheets, as follows:</p> <p><input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in electronic form only, as indicated in the Supplemental Box relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p> <p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the report</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p>			

Date of submission of the demand	Date of completion of this report
<b>20 JUNE 2005 (20.06.2005)</b>	12 JANUARY 2006 (12.01.2006)
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## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/KR2004/002680

## Box No. I Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
  - This report is based on translations from the original language into the following language English which is the language of a translation furnished for the purposes of:
    - international search (under Rules 12.3 and 23.1(b))
    - publication of the international application (under Rule 12.4)
    - international preliminary examination (under Rules 55.2 and/or 55.3)
2. With regard to the **elements** of the international application, this report is based on *replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*:
  - the international application as originally filed/furnished
  - the description:
 

pages \_\_\_\_\_ as originally filed/furnished  
 pages\* 1-8, 11 received by this Authority on 09/08/2005  
 pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
  - the claims:
 

pages \_\_\_\_\_ as originally filed/furnished  
 pages\* \_\_\_\_\_ as amended (together with any statement) under Article 19  
 pages\* 9-10 received by this Authority on 09/08/2005  
 pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
  - the drawings:
 

pages \_\_\_\_\_ as originally filed/furnished  
 pages\* 12 received by this Authority on 09/08/2005  
 pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
  - the sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.
3.  The amendments have resulted in the cancellation of:
  - the description, pages \_\_\_\_\_
  - the claims, Nos. \_\_\_\_\_
  - the drawings, sheets \_\_\_\_\_
  - the sequence listing (*specify*) : \_\_\_\_\_
  - any table(s) related to sequence listing (*specify*) : \_\_\_\_\_
4.  This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
  - the description, pages \_\_\_\_\_
  - the claims, Nos. \_\_\_\_\_
  - the drawings, sheets \_\_\_\_\_
  - the sequence listing (*specify*) : \_\_\_\_\_
  - any table(s) related to sequence listing (*specify*) : \_\_\_\_\_

\* If item 4 applies, some or all of those sheets may be marked "superseded."

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/KR2004/002680

## Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

## 1. Statement

Novelty (N)	Claims	1-6	YES
	Claims		NO
Inventive step (IS)	Claims		YES
	Claims	1-6	NO
Industrial applicability (IA)	Claims	1-6	YES
	Claims		NO

## 2. Citations and explanations (Rule 70.7)

The present invention relates to an ointment formulation for hemorrhoids prepared from the power of swellfish roe and a starfish.

The following documents have been considered for the purpose of this report:

D1 = KR 2002-64807 A1 (10. 08. 2002)

D2 = KR 2003-24512 A1 (26. 03. 2003)

D3 = KR 2001-16541 A1 (05. 03. 2001)

D1 discloses a process of preparing a therapeutic agent for hemorrhoids by heating the roe of a swellfish at a specified temperature and then mixing sodium chloride.

D2 discloses a vaginal suppository containing a mixture of treated starfish (asterina pectinifera).

D3 discloses an urethral detergent and a medicine for cystitis, prostatitis, and urethritis using starfish salt.

## 1. Novelty

None of the documents D1-D3 discloses the ointment for hemorrhoids comprising the power of the roe of a swellfish and a starfish.

Therefore, the subject matter of claims 1-6 is considered to be novel under PCT Article 33(2).

## 2. Inventive Step

However, there is no mention to confirm that the addition of a starfish and an additive such as banana and a charonia sauliae into the ointment formulation has a surprisingly changed effect on the treatment for hemorrhoids compared to the present invention. Further, the use of a starfish as an pharmaceutical agent is a simple change in materials which can be selected by a person skilled in the art, as shown in D2 and D3, and there is no remarkable difficulty in that. Therefore, the subject matter of claims 1-6 is considered to lack an inventive step under PCT Article 33(3).

## 3. Industrial Applicability

The subject matter of claims 1-6 appears to meet the requirement of PCT Article 33(4).